

REMARKS

In reply to the Notice of Non-Compliant Amendment ("Notice"), Applicant respectfully requests the Examiner to consider the Amendment filed on December 11, 2009, the Examiner's Amendment ("Examiner's Amendment") included in the Notice of Allowance mailed January 26, 2010, the Amendment After Allowance filed on April 16, 2010 ("Amendment After Allowance"), and the Response to Rule 312 Communication ("Response") mailed May 13, 2010. In the Notice, it is alleged that the Amendment filed on June 24, 2010 ("Amendment") was non-compliant because "Claims 13-15 status identifiers should be previously presented." (Notice, Page 2). Applicant respectfully asserts that claims 13-15 were correctly identified as "New" in the Amendment.

In the Amendment filed on December 11, 2009, Applicants cancelled claims 1-3 and added new claims 14 and 15. Accordingly, claims 4-15 were pending after the December 11 Amendment. In the Examiner's Amendment, the Examiner renumbered pending claims 4-15 as claims 1-12. Accordingly, only claims 1-12 were pending after the Examiner's Amendment.

Next, Applicant filed the Amendment After Allowance including new claims 13-18, however, entry of the Amendment After Allowance including claims 13-18 was disapproved by the Response so that claims 13-18 never became part of the record. Thus, claims 1-12 remained pending. Subsequently, Applicant filed an Amendment on June 24, 2010, including claims 13-18 correctly identified as "New." Accordingly, the Notice is improper and Applicant requests withdrawal of the Notice.

Further, in order to advance prosecution, Applicant includes in this Response a complete listing of the claims including claims 13-18 with status identifiers "Previously Presented."

Claims 1-18 remain pending, and Applicant respectfully requests withdrawal of the Notice and allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 5, 2010

By: 

Philip J. Hoffmann
Reg. No. 46,340